

17269. Misbranding of biscuits and candy. U. S. v. 37 Dozen Packages of Biscuits, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 24730. I. S. Nos. 023640 to 023644, incl. S. No. 3080.)

On April 25, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 74 dozen packages of biscuits and 16 dozen packages of candy, remaining in the original unbroken packages at Denver, Colo., consigned by the Standard Biscuit Co., Des Moines, Iowa, alleging that the articles had been shipped from Des Moines, Iowa, in part on or about February 14, 1930, and in part on or about March 29, 1930, and had been transported from the State of Iowa into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. A portion of the said biscuits were labeled in part: (Shipping case) "Standard Biscuit Company. Sotastee Products, Etc. This package contains 24—2 pounds Butter Sodas Salted." The remainder of the said articles were labeled in part, variously: (Retail packages) "A Sotastee Product Honey Grahams Standard Biscuit Company, * * * Net Weight 2 Lbs.;" "S. B. C. Sodas * * * Standard Biscuit Company, Des Moines, Iowa. Net Weight 2 lbs. Salted.;" "S. B. C. Sodas * * * Standard Biscuit Company Des Moines, Iowa, 3 lbs.;" "Old-Fashioned Sotastee Maid Chocolates 1 pound net weight. Sotastee Made Studio."

It was alleged in the libel that the articles were misbranded in that the statements, "2 pounds," "Net Weight 2 lbs.," "3 lbs.," and "1 pound Net Weight," as the case might be, borne on the labels of the products, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On April 28, 1930, the Standard Biscuit Co., Des Moines, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17270. Adulteration of frozen eggs. U. S. v. 20 Cans of Frozen Eggs. Consent decree entered. Product ordered released under bond to be salvaged. (F. & D. No. 24691. I. S. No. 028921. S. No. 3024.)

On March 27, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Vilas & Co., Storm Lake, Iowa, on or about June 4, 1929, and transported from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 16, 1930, the Seaboard Terminal & Refrigeration Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented that judgment be entered condemning and forfeiting the product, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be salvaged, the good portion marked with a statement of the net weight, and the rejected portion denatured for nonfood use.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17271. Adulteration of frozen eggs. U. S. v. 341 Cans of Frozen Eggs. Consent decree entered. Product released under bond to be salvaged. (F. & D. No. 24693. I. S. No. 028922. S. No. 3025.)

On March 31, 1930, the United States attorney for the District of New Jersey acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 341 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Naive Spillers (Inc.), Nashville, Tenn., on or about December 27, 1929, and transported from

the State of Tennessee into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a putrid animal substance.

On May 16, 1930, the Seaboard Terminal & Refrigeration Co., Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented that judgment be entered condemning and forfeiting the product, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be salvaged, the good portion marked with a statement of the net weight, and the rejected portion denatured for nonfood use.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17272. Adulteration of grapefruit. U. S. v. 130 Boxes of Grapefruit. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24815. I. S. No. 012966. S. No. 3020.)

On February 20, 1930, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 130 boxes of grapefruit, remaining in the original unbroken packages at Junction City, Kans., alleging that the article had been shipped by Burkhardt & Williams, from McAllen, Tex., on or about February 5, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was composed of filthy and decomposed vegetable matter.

On February 24, 1930, D. E. Bolman, Junction City, Kans., having entered an appearance and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17273. Adulteration of canned asparagus. U. S. v. 48 Cases of Canned Asparagus. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24487. I. S. No. 08103. S. No. 2775.)

On January 28, 1930, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 48 cases of canned asparagus, remaining in the original packages at Washington, D. C., alleging that the article had been shipped by Kemp, Day & Co., from New York, N. Y., on or about December 30, 1929, and transported from the State of New York into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Golden Rod Brand * * * Distributed by Kemp, Day & Co., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17274. Adulteration of apples. U. S. v. 630 Baskets of Apples. Tried to the court and a jury. Verdict for the Government. Motion for new trial sustained. Decree of condemnation entered. (F. & D. No. 21338. I. S. No. 12526-x. S. No. C-3041.)

On or about October 23, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 630 baskets of apples at Hutchinson, Kans., alleging that the article had been shipped by F. L. Martin from Clifton, Colo., on or about October 15, 1926, and transported from the State of Colorado into the State of Kansas, and charging adulteration in violation of the food and drugs act. On December 7, 1926, an amendment to the said libel was filed.

It was alleged in the libel, as amended, that the article was adulterated in that it contained an added poisonous ingredient, to wit, a compound of arsenic and lead, which might have rendered it injurious to health.